

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michael J. Colello
Debtor(s)

Bankruptcy Case No.: 19-10094-TPA
Per August 6, 2019 Proceeding
Chapter: 13
Docket No.: 44 - 33, 37
Concil. Conf.: 6/4/19 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 16, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on 6/4/19 at 11:00 AM, in Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Credit Acceptance (Claim No. 1) shall not be paid due to surrender of collateral.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: August 7, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Michael J. Colello
 Debtor

Case No. 19-10094-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 42

Date Rcvd: Aug 07, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 09, 2019.

db +Michael J. Colello, 3020 Maplewood Drive, Sharpsville, PA 16150-9252
 cr +Santander Consumer USA Inc., d/b/a Chrysler Capita, P.O. Box 961275,
 Fort Worth, TX 76161-0275
 15005379 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 14989016 ++CHRYSLER FINANCIAL, 27777 INKSTER RD, FARMINGTON HILLS MI 48334-5326
 (address filed with court: Chrysler Financial, P.O. Box 9001921, Louisville, KY 40290-1921)
 14989017 ++CITIBANK, PO BOX 6043, SIOUX FALLS SD 57117-6043
 (address filed with court: Citi, P.O. Box 183041, Columbus, OH 43218-3041)
 14989014 Chase, P.O. Box 15153, Wilmington, DE 19886-5153
 15025434 +Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L.,
 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 14989015 +Chase Card, 201 N. Walnut St/DE1-1027, Wilmington, DE 19801-2901
 14996497 +Chrysler Capital, PO Box 961275, Fort Worth, TX 76161-0275
 14989052 +Credit Acceptance, 25505 West Twelve Mile Rd, Suite 3000, Southfield MI 48034-8331
 14989018 Credit Acceptance Corporation, P.O. Box 5070, Southfield, MI 48086-5070
 14989023 First Premier Bank, P.O. box 5147, Sioux Falls, SD 57117-5147
 14989025 #+National Debt Relief, 11 Broadway STE 1600, New York, NY 10004-1462
 15071321 Santander Consumer USA, Attn: Bankruptcy Department, PO Box 560284, Dallas, TX 75356-0284
 15026805 UPMC Health Services, PO Box 1123, Minneapolis MN 55440-1123
 15026766 UPMC Physician Services, PO Box 1123, Minneapolis MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14989012 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 08 2019 03:26:44 Capital One,
 P.O. Box 30281, Salt Lake City, UT 84130-0281
 14989013 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 08 2019 03:26:00
 Capital One Bank (USA) NA, P.O. Box 6492, Carol Stream, IL 60197-6492
 14998628 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 08 2019 03:26:46
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 14989019 E-mail/PDF: creditonebknofifications@resurgent.com Aug 08 2019 03:26:05 Credit One Bank,
 P.O. Box 60500, City Of Industry, CA 91716-0500
 14989020 E-mail/Text: mrdiscen@discover.com Aug 08 2019 03:19:44 Discover, P.O. Box 15251,
 Wilmington, DE 19886-5251
 14989021 E-mail/Text: mrdiscen@discover.com Aug 08 2019 03:19:44 Discover Bank, PO Box 15316,
 ATT:CMS/PROD DEVELOP, Wilmington, DE 19850-5316
 14991200 E-mail/Text: mrdiscen@discover.com Aug 08 2019 03:19:44 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14989022 E-mail/Text: bnc-bluestem@quantum3group.com Aug 08 2019 03:21:28 Fingerhut, P.O. Box 166,
 Newark, NJ 07101-0166
 14989024 E-mail/PDF: gecsedirecoverycorp.com Aug 08 2019 03:25:22 JC Penney, Bankruptcy Dept.,
 P.O. Box 533, Dallas, TX 75221
 15006198 E-mail/Text: JCAP_BNC_Notices@jcap.com Aug 08 2019 03:21:10 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15012617 +E-mail/Text: bankruptcydpt@mcmcg.com Aug 08 2019 03:20:51 MIDLAND FUNDING LLC,
 PO Box 2011, Warren, MI 48090-2011
 14989026 E-mail/PDF: cbp@onemainfinancial.com Aug 08 2019 03:26:38 One Main Financial,
 Bankruptcy Dept., PO Box 140489, Irving, TX 75014-0489
 14989027 E-mail/PDF: cbp@onemainfinancial.com Aug 08 2019 03:25:54 One Main Financial,
 12 Pine Grove Square, Grove City, PA 16127
 14990937 +E-mail/PDF: cbp@onemainfinancial.com Aug 08 2019 03:26:38 OneMain, PO Box 3251,
 Evansville, IN 47731-3251
 15033335 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 08 2019 03:26:02
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14989181 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 08 2019 03:25:27
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15004825 +E-mail/Text: JCAP_BNC_Notices@jcap.com Aug 08 2019 03:21:10 Premier Bankcard, Llc,
 Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
 15015012 E-mail/Text: bnc-quantum@quantum3group.com Aug 08 2019 03:20:10
 Quantum3 Group LLC as agent for, GPCC I LLC, PO Box 788, Kirkland, WA 98083-0788
 15015768 E-mail/Text: bnc-quantum@quantum3group.com Aug 08 2019 03:20:10
 Quantum3 Group LLC as agent for, JHPDE Finance I LLC, PO Box 788,
 Kirkland, WA 98083-0788
 14989028 E-mail/Text: bankruptcyteam@quickenloans.com Aug 08 2019 03:21:18 Quicken Loans,
 1050 Woodward Ave., Detroit, MI 48226-1906
 14997800 +E-mail/Text: bankruptcyteam@quickenloans.com Aug 08 2019 03:21:18 Quicken Loans,
 635 Woodward Avenue, Detroit, MI 48226-3408
 14989029 +E-mail/PDF: gecsedirecoverycorp.com Aug 08 2019 03:25:22 SYNBN/Lowes, PO Box 965005,
 Orlando, FL 32896-5005
 14989030 +E-mail/PDF: gecsedirecoverycorp.com Aug 08 2019 03:25:57 SYNBN/Amazon, PO Box 965015,
 Orlando, FL 32896-5015
 14989031 E-mail/PDF: gecsedirecoverycorp.com Aug 08 2019 03:26:42 SYNBN/Home Design,
 PO Box 965036, Orlando, FL 32896-5036

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 42

Date Rcvd: Aug 07, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15033715 +E-mail/Text: bncmail@w-legal.com Aug 08 2019 03:21:07 SYNCHRONY BANK,
c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
14989032 E-mail/PDF: gecsed@recoverycorp.com Aug 08 2019 03:25:56 Walmart/Synchrony Bank,
PO Box 530927, Atlanta, GA 30353-0927

TOTAL: 26

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Quicken Loans Inc.
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15071320* Quicken Loans, 1050 Woodward Ave., Detroit, MI 48226-1906
14997803* +Quicken Loans Inc., 635 Woodward Avenue, Detroit, MI 48226-3408
14989011 ##American Express, P.O. Box 360001, Ft. Lauderdale, FL 33336-0001

TOTALS: 1, * 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 09, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 7, 2019 at the address(es) listed below:

David J. Graban on behalf of Debtor Michael J. Colello graban@verizon.net
James Warmbrodt on behalf of Creditor Quicken Loans Inc. bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
William E. Craig on behalf of Creditor Santander Consumer USA Inc., d/b/a Chrysler Capital
ecfmail@mortoncraig.com, mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 5